

## **REMARKS/ARGUMENTS:**

Entry of the above amendments, and reconsideration and further examination of this application as amended is respectfully requested. Claims 1-3, 6-24, 26-33, 36-54, 56-61, 64-79, 81-83, 85, and 88-90 remain in the application. Claims 91-95 have been withdrawn as they are directed to a non-elected invention.

The amendments submitted above to certain claims have been done so either in response to the Examiner's rejections or objections or to correct claim dependency, to correct antecedent basis, to put the claim in conventional form, to correct punctuation, improper word usage, and the like. No new matter has been introduced through any of these amendments.

### **A. Rejection of Claims Under 35 U.S.C. § 102(e)**

The Examiner has rejected claims 1-3, 6, 9-11, 14-24, 28, 31-33, 36-54, 56, 57, 60, 61, 64-79, 81-83, 85, and 88-90 under 35 U.S.C. §102(e) as being anticipated by Gever et al., U.S. Patent No. 6,313,835.

In response, Applicant has amended independent claims 1, 28, 58, and 83 to more distinctly distinguish Applicant's invention over Gever et al. through the further limitations of:

(claims 1 and 28)

" . . . in a conversation by said at least one character, wherein said conversation is manipulated based upon said selected advertisement and dynamically upon live information received from the user after the conversation has begun."

(claim 58)

" . . . the conversation including the series of messages integrated with said selected advertisement by the at least one character through the computer system, wherein the conversation including the series of messages is manipulated based upon said selected advertisement and

dynamically upon live information received from the user after the conversation has begun."

(claim 83)

". . . in a conversation integrated with said advertisement to the user, wherein said conversation is manipulated based upon said selected advertisement and dynamically upon live information received from the user after the conversation has begun."

Support for these amendments may be found in the specification on page 3, lines 10-16; page 4, lines 8-12; page 5, lines 1-8; page 11, lines 1-10; and in reference to FIGS. 1-4 and FIG. 6.

Gever et al. teaches an animation sequence as a dynamic Web page component (col. 8, lines 43-46), which is further defined as a "dynamic page component" is a Web page component which has a single address but shows different displays according to input about the viewer and/or the circumstances in which the viewer accesses the page" (col. 14, lines 62-67). Preferably, "the user creates a plurality of Web page components each of which is assigned a unique label" (col. 15, lines 3-5). Usage of dynamic page components is further explained where "the conditioner editor of FIG. 6 is used to determine which of the various ones of the plurality of Web page component are to be presented under different **predetermined conditions**" (col. 15, lines 13-16). Applicant submits that Gever et al. does not teach nor suggest the additional limitations of manipulating the conversation presented to the user based upon the selected advertisement and dynamically upon live information received from the user **after the conversation has begun**. In Gever et al., "When a visitor connects to the server and requests to view a dynamic page, the server determines which of the sequences included in the dynamic page component **is to be displayed**" (col. 15, lines 61-64). Gever et al. does not teach nor suggest the additional limitations of manipulating the conversation presented to the user **after the conversation has begun**. Since the Gever et al. reference does not disclose expressly or inherently all of the elements and limitations of Applicant's amended claims 1, 28, 58, and 83, Applicant believes that these claims are not anticipated by Gever et al. and requests withdrawal of the Examiner's rejection under 35 U.S.C. §102(e).

Claims 2, 3, 6, 9-11, 14-24, 31-33, 36-54, 56, 57, 60, 61, 64-79, 81, 82, 85, and 88-90, depend directly or indirectly from independent claims 1, 28, 58, and 83 and include all the elements and limitations thereof. As a result, and in light of the foregoing remarks concerning independent claims 1, 28, 58, and 83, Applicant likewise believes that claims 2, 3, 6, 9-11, 14-24, 31-33, 36-54, 56, 57, 60, 61, 64-79, 81, 82, 85, and 88-90 also overcome the Examiner's rejection based on Gever et al. under 35 U.S.C. §102(e), and withdrawal of that rejection in respect to these claims is respectfully requested.

**B. Rejection of Claims  
Under 35 U.S.C. § 103(a)**

1. The Examiner has rejected claim 9 (alternatively), 12, 13, 29, 30, 39, 42, 43, 58, and 59 under 35 U.S.C. §103(a) as being unpatentable over Gever et al., International Publication No. WO 97/35280.

In response, Applicant has amended independent claims 1, 28, 58, and 83 to more distinctly distinguish Applicant's invention through the further limitations outlined above in Section A. Support for these amendments may be found in the specification on page 3, lines 10-16; page 4, lines 8-12; page 5, lines 1-8; page 11, lines 1-10; and in reference to FIGS. 1-4 and FIG. 6. Applicant submits that Gever et al. does not teach nor suggest the additional limitations outlined above in Section A of Applicant's amended claims 1, 28, 58, and 83, nor would it have been obvious in light of Gever et al. to do so. There is also no suggestion in Gever et al. to do so. Applicant believes that these claims are patentable over Gever et al. and requests withdrawal of the Examiner's rejection under 35 U.S.C. §103(a).

Claims 9, 12, 13, 29, 30, 39, 42, 43, and 59 depend directly or indirectly from independent claims 1, 28, and 58, and include all the elements and limitations thereof. As a result, and in light of the foregoing remarks concerning independent claims 1, 28, and 58, Applicant likewise believes that claims 9, 12, 13, 29, 30, 39, 42, 43, and 59 also overcome the Examiner's rejection based on Gever et al. under 35 U.S.C. §103(a), and withdrawal of that rejection in respect to these claims is respectfully requested.

2. The Examiner has rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Gever et al., International Publication No. WO 97/35280 in view of Rakavy et al., U.S. Patent No. 6,317,789.

In response, Applicant has amended independent claim 1 to more distinctly distinguish Applicant's invention through the further limitations outlined above in Section A. Support for these amendments may be found in the specification on page 3, lines 10-16; page 4, lines 8-12; page 5, lines 1-8; page 11, lines 1-10; and in reference to FIGS. 1-4 and FIG. 6. Claim 7, through dependency, embodies all the elements and limitations of independent claim 1. As argued above in Section A, Applicant believes that Gever et al. does not disclose all the elements and limitations of Applicant's independent claim 1. There is also no suggestion in Gever et al. to do so. Therefore, combining Gever et al. with Rakavy et al., would not arrive at Applicant's invention as found in dependent claim 7. Thus, Applicant believes that dependent claim 7 is patentable over Gever et al. in view of Rakavy et al. Accordingly, Applicant requests retraction of the Examiner's rejection under 35 U.S.C. §103(a).

3. The Examiner has rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Gever et al., International Publication No. WO 97/35280 in view of Makar et al., U.S. Patent No. 6,708,203.

In response, Applicant has amended independent claim 1 to more distinctly distinguish Applicant's invention through the further limitations outlined above in Section A. Support for these amendments may be found in the specification on page 3, lines 10-16; page 4, lines 8-12; page 5, lines 1-8; page 11, lines 1-10; and in reference to FIGS. 1-4 and FIG. 6. Claim 8, through dependency, embodies all the elements and limitations of independent claim 1. As argued above in Section A, Applicant believes that Gever et al. does not disclose all the elements and limitations of Applicant's independent claim 1. There is also no suggestion in Gever et al. to do so. Therefore, combining Gever et al. with Makar et al., would not arrive at Applicant's invention as found in dependent claim 8. Thus, Applicant believes that dependent claim 8 is patentable over Gever et al. in view of Makar et al. Accordingly, Applicant requests retraction of the Examiner's rejection under 35 U.S.C. §103(a).

4. The Examiner has rejected claims 26 and 27 under 35 U.S.C. §103(a) as being unpatentable over Gever et al., International Publication No. WO 97/35280 in view of Alberts, U.S. Patent No. 5,937,392.

In response, Applicant has amended independent claims 1 to more distinctly distinguish Applicant's invention through the further limitations outlined above in Section A. Support for

these amendments may be found in the specification on page 3, lines 10-16; page 4, lines 8-12; page 5, lines 1-8; page 11, lines 1-10; and in reference to FIGS. 1-4 and FIG. 6. Claims 26 and 27, through dependency, embody all the elements and limitations of independent claim 1. As argued above in Section A, Applicant believes that Gever et al. does not disclose all the elements and limitations of Applicant's independent claim 1. There is also no suggestion in Gever et al. to do so. Therefore, combining Gever et al. with Alberts, would not arrive at Applicant's invention as found in dependent claims 26 and 27. Thus, Applicant believes that dependent claims 26 and 27 are patentable over Gever et al. in view of Alberts. Accordingly, Applicant requests retraction of the Examiner's rejection under 35 U.S.C. §103(a).

**CONCLUSION:**

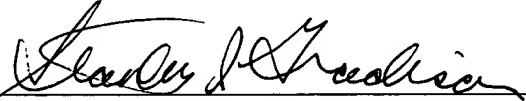
A bona-fide attempt has been made to place this application in condition for allowance. Each of the Examiner's bases for objection and/or rejection have been addressed and the claims have been amended, canceled, or arguments presented to overcome such objections and/or rejections. The application is now believed to meet all statutory requirements and is thus believed to be in condition for allowance. The Examiner's early indication to that effect is, therefore, courteously solicited.

If a telephone conference would expedite allowance or resolve any additional questions, such a call is invited at the Examiner's convenience.

Applicant does not believe that any fees are due with this response. If this is not the case, please charge any required fees due, or credit any overpayment to, deposit account 50-0792.

Respectfully submitted,

Gibson, Dunn & Crutcher LLP

By:   
Stanley J. Gradisar, Esq., Reg. No. 42,598  
Attorney for Applicant

Customer No. 22334  
Gibson, Dunn & Crutcher LLP  
1801 California St., Suite 4100  
Denver, CO 80202-2641

Phone: (303) 298-5786  
Fax: (303) 296-5310

Date: September 19, 2005